

REMARKS

The Office Action ("Office Action") has been received and carefully considered. Claims 1-21 and 23-30 are pending. By this Amendment, claims 1, 15, 25 and 29 are amended.

No new matter is presented.

Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

A. The 35 U.S.C. 112 Rejection

In the Office Action, claims 1, 15, 25 and 29 are rejected under 35 U.S.C. 112, second paragraph. The Office Action asserts the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action sets forth asserted basis for the 35 U.S.C. 112 rejection.

In response to the comments set forth in the Office Action, to further clarify the claimed invention, and in order to expedite prosecution of the present application, the rejected claims are amended to more clearly satisfy the requirements of 35 U.S.C. 112.

Withdrawal of the 35 U.S.C. 112 rejection is respectfully requested.

B. The 35 U.S.C. 103 Rejection

On page 4 of the Office Action, claims 1, 2, 4-7, 9-21, and 23-28 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,272,528 to Cullen *et al.* ("Cullen") in view of U.S. Patent No. 5,835,087 to Herz *et al.* ("Herz") and further in view of U.S. Patent Application No. 2002/0120477 to Jinnett ("Jinnett"). This rejection is respectfully traversed.

As stated in MPEP § 214.3, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

On page 3, the Office Action sets forth comments for Applicant. In particular, the Office Action asserts:

NOTE for Applicant's benefit: Amendments to clearly indicate that the authorizations for selling the products are based on the users IP address and that the specifically identified products are determined and retrieved based on the users IP address could serve to distinguish the claimed invention from the art of record. Applicant is encouraged to contact Examiner to discuss possible amendments

Applicant appreciates the Examiner's helpful suggestion. In response to such comment, and in order to expedite prosecution of the pending patent application, Applicant has amended claim 1, 15, 25 and 29.

The Office Action sets forth various basis for the 35 U.S.C. 103 rejection and alleged teachings of the applied art. In particular, on page 8, lines 11-17, the Office Action asserts:

With respect to these elements, both Cullen and Herz employ Internet Protocol addresses for communicating messages to the user. Both references accordingly employ IP addresses associated with the user. Herz et al., further discloses retrieving product and service information/articles based on the identity of the user and a profile established for the user as a result of passively monitoring the users access to information content (*see citations and discussion above). Herz et al. further discloses that the (Herz et al.; col. 32, lines 25-55 *see proxy server identifies user by address on the server, i.e., "IP address")

U.S. Patent Application No.: 09/986,354
Attorney Docket No.: 52493.000187

Applicant has amended claim 1 to further distinguish over the applied art. In particular, claim 1, in accord with the Examiner's suggestion, is amended to recite:

wherein authorizations for selling products are based on the user's IP address and identified products are determined and retrieved based on the user's IP address.

Applicant respectfully submits that the applied art fails to teach such features. Indeed, Applicant submits that the Office Action does not even allege such. In view of the amendments to claim 1 alone, Applicant respectfully submits that claim 1 recites patentable subject matter.

Regarding claims 2, 4-7, 9-14, and 30, these claims are dependent upon independent claim 1. Thus, since independent claim 1 should be allowable as discussed above, claims 2, 4-7, 9-14, and 30 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claims 15 and 25, while different in overall scope from claim 1, these claims recite subject matter related to claim 1. Thus, at least some of the arguments set forth above with respect to claim 1 are applicable to claims 15 and 25. Accordingly, Applicant respectfully submits that claims 15 and 25 are allowable over cited references for the same reasons as set forth above with respect to claim 1.

Moreover, regarding claims 16-21, 23, 24, and 26-28, these claims are dependent upon independent claims 15 and 25. Thus, since independent claims 15 and 25 should be allowable as discussed above, claims 16-21, 23, 24, and 26-28, should also be allowable at least by virtue of their dependency on independent claims 15 and 25. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, Applicant respectfully requests that the aforementioned obviousness rejection of claims 1-2, 4-7, 9-21 and 23-28 be withdrawn.

C. The 35 U.S.C. 103 of Claim 3

On page 15 of the Office Action, claim 3 is currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Cullen, in view of Herz and Jinnett, and further in view of Quido (U.S. Patent Application Publication No. 2003/0093302). This rejection is respectfully traversed.

Applicant respectfully submits that the aforementioned obviousness rejection of claim 3 has become moot in view of the deficiencies of the primary references (i.e., Cullen, Herz, and Jinnett) as discussed above with respect to independent claim 1. That is, claim 3 is dependent upon independent claim 1 and thus inherently incorporates all of the limitations of independent claim 1. Also, the secondary reference (i.e., Quido) fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claim 1. Indeed, the Examiner does not even assert such. Thus, the combination of the secondary reference with the primary references also fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claim 1. Accordingly, claim 3 should be allowable over the combination of the secondary reference with the primary references at least by virtue of its dependency on independent claim 1. Moreover, claim 3 recites additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, Applicant respectfully requests that the aforementioned obviousness rejection of claim 3 be withdrawn.

D. The 35 U.S.C. 103 Rejection of Claim 8 and 29

Claims 8 and 29 are currently rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Cullen, in view of Herz and Jinnett, and further in view of Parker (U.S. Publication No. 2003/0182290). This rejection is respectfully traversed.

Applicant respectfully submits that the aforementioned obviousness rejection of claim 8 has become moot in view of the deficiencies of the primary references (i.e., Cullen, Herz, and Jinnett) as discussed above with respect to independent claim 1. That is, claim 8 is dependent upon independent claim 1 and thus inherently incorporates all of the limitations of independent claim 1. Also, the secondary reference (i.e., Parker) fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claim 1. Indeed, the Examiner does not even assert such. Thus, the combination of the secondary reference with the primary references also fails to disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claim 1. Accordingly, claim 8 should be allowable over the combination of the secondary reference with the other references at least by virtue of its dependency on independent claim 1. Moreover, claim 8 recites additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

Regarding claim 29, while different in overall scope from claim 1, this claim recites subject matter related to claim 1. Thus, the arguments set forth above with respect to claim 1 are equally applicable to claim 29. Also, the secondary reference (i.e., Parker) fails to disclose, or even suggest, the deficiencies of the primary references (i.e., Cullen, Herz, and Jinnett) as discussed above with respect to independent claim 1. Indeed, the Examiner does not even assert such. Thus, the combination of the secondary reference with the primary references also fails to

disclose, or even suggest, the deficiencies of the primary references as discussed above with respect to independent claim 29. Accordingly, Applicant respectfully submits that claim 29 is allowable over cited references for the same reasons as set forth above with respect to claim 1.

In view of the foregoing, Applicant respectfully requests that the aforementioned obviousness rejection of claims 8 and 29 be withdrawn.

E. Conclusion

In view of the foregoing, Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courtcously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

U.S. Patent Application No.: 09/986,354
Attorney Docket No.: 52493.000187

Please charge any shortage in fees due in connection with the filing of this paper,
including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess
fees to the same deposit account.

Respectfully submitted,

Hunton & Williams LLP

Date: **August 16, 2011**

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